



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460**

**OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE**

August 11, 2022

Elizabeth Nugent
Keller & Heckman LLP
1001 G Street NW
Suite 500 West
Washington, DC 20001

Re: Freedom of Information Act Request No. [EPA-2022-005093](#) Final Response

Dear Ms. Nugent:

This letter concerns the above-referenced FOIA request, received by the U.S. Environmental Protection Agency on 06/28/2022, in which you requested:

- (1) Copies of all correspondence and other documents sent to and from third parties concerning the Agency's view of the circumstances under which it is or is not appropriate for a person to submit a report to EPA under Toxic Substances Control Act (TSCA) section 8(e) (15 U.S.C. § 2607(e)) for significant risk information:
 - (a) Including correspondence reflecting the Agency's view on when otherwise reportable information need not be reported because, for example, it is deemed known to the Administrator or merely corroborative of information known to the Administrator;
 - (b) Including administrative, civil, and criminal complaints alleging violations of TSCA section 8(e) and;
 - (c) Excluding Federal Register notices, TSCA section 8(e) Q&A webpages, and comments submitted to public dockets; and
- (2) Copies of the most recent training materials used to train EPA personnel on proper and improper TSCA section 8(e) reporting practices and criteria for compliance assistance for enforcement purposes.

Disposition

The responsive records from the Office of Enforcement and Compliance Assurance (OECA) are released in their entirety to the requester.

Description of Records

OECA has concluded its search for records responsive to your request and was able to locate the following HQ documents pertaining to TSCA 8(e) enforcement actions.

TSCA-HQ-2005-5001 Dupont - Complaint, EAB Memo, and Final Order

TSCA-HQ-2006-5004 3M Company – Consent Agreement and Final Order, EAB Memo, and Clarification EAB Memo

TSCA-HQ-2010-5002 Dupont – Consent Agreement and EAB Memo, Final Order

TSCA-HQ-2010-5022 Elementis Chromium – Complaint, Initial Decision (ALJ), and Final Decision (EAB)

OECA is providing the requested records in full.

Cost Information

The cost to process your request was \$70.00. Please see the attached invoice for billing and payment instructions.

Final Appeal Rights and Contact Information

You may appeal this determination by email at hq.foia@epa.gov, or by mail to the EPA's National FOIA Office, U.S. EPA, 1200 Pennsylvania Avenue, N.W. (2310A), Washington, DC 20460 or through FOIAonline if you are an account holder. If you are submitting your appeal by hand delivery, courier service, or overnight delivery, you must address your correspondence to 1200 Pennsylvania Avenue, N.W., WJC-N Building, Room 7309C, Washington, DC 20460.

Your appeal must be in writing, and it must be received no later than 90 calendar days from the date of this letter. The Agency will not consider appeals received after the 90-calendar-day limit. Appeals received after 5:00 p.m. EST will be considered received the next business day. The appeal letter should include the FOIA tracking number listed above. For quickest possible handling, the subject line of your email, the appeal letter, and its envelope, if applicable, should be marked "Freedom of Information Act Appeal."

If you need any further assistance or would like to discuss any aspect of your request, you may seek assistance from EPA's FOIA Public Liaison at hq.foia@epa.gov or call (202) 566-1667. You may also seek assistance from the Office of Government Information Services (OGIS). You may contact OGIS in any of the following ways: by mail, Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001; email: ogis@nara.gov; telephone: (202) 741-5770 or (877) 684-6448; or fax: (202) 741-5769.

If you have any questions concerning the OECA documents, please contact Tony Ellis of my staff Ellis.Tony@epa.gov.

Sincerely,

Michael Bellot
Associate Director
Waste and Chemical Enforcement Division
Office Of Civil Enforcement